

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DIANE MICHELLE SCHLUMBAUM,

Defendant.

No. 02-CR-4017-DEO

ORDER

This matter comes before the Court on the Defendant's pro se Motion to Reduce Sentence, Docket No. 127.

I. BACKGROUND

On January 7, 2003, the Court sentenced the Defendant to 262 months incarceration on one count related to the distribution of methamphetamine. Docket No. 72. Ms. Schlumbaum filed the present pro se Motion for a sentence reduction on August 13, 2014. Docket No. 127.

II. ANALYSIS


In her Motion for a Sentence Reduction, Ms. Schlumbaum requests the Court modify her sentence pursuant to 18 U.S.C. § 3582(c)(2) and the proposed "All Drugs Minus Two" 2014 sentencing guideline changes. However, the proposed changes to the sentencing guidelines do not take effect until November

1, 2014.¹ Accordingly, Ms. Schlumbaum's Motion is premature and must be denied.

III. CONCLUSION

For the reasons set out above, the Defendant's pro se Motion to Reduce Sentence and Appoint Counsel, Docket No. 127, is **denied**. However, this denial is **without prejudice**, and Ms. Schlumbaum may refile her Motion after the new sentencing guidelines take effect in November.

IT IS SO ORDERED this 14th day of August, 2014.


Donald E. O'Brien, Senior Judge
United States District Court
Northern District of Iowa

¹ Additionally, the Sentencing Commission has yet to formally say if the new guidelines will be retroactive. Assuming the amendments become law, the Court will process every eligible defendant as soon as possible. It should be noted that if the retroactive amendment passes, no defendant can be released until November 1, 2015.